IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT APPEAL No.1479 of 1996

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20-7-1994 in W.P.No.5698 of 1993 on the file of the High Court.)

Between:

Executive Officer,

Tirumala Tirupati Devasthanams,

Tirupati, Chittoor District. **..... APPELLANT**

AND

R.Chinnaswamy Naidu,

S/o.late R.Chengaiah,

Instructor (Commercial),

Sri Venkateswara Training-cum-

Production Centre for Handicapped,

T.T.D., Alipiri, Tirupati.

.....RESPONDENTS

Counsel for the Appellant : THE ADVOCATE GENERAL and

Mr. M.Adinarayana Raju, S.C. FOR TTD.

Counsel for the Respondent:

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Office has put up this appeal for orders with the office note dated 24th November 2004.

The writ appeal was filed by Tirumala Tirupati Devasthanams against the order dated 20th July 1994 passed by the learned single Judge in W.P.No.5698 of 1993 allowing the writ petition of the respondent. As there was delay in preferring the appeal, WAMP.No.2743 of 1996 was also filed seeking condonation. As per the practice then prevailing, the writ appeal is also to be registered as such even if there was an application seeking condonation of delay. The office note says that the writ appeal, along with application seeking condonation of delay, was posted before a Division bench presided over by the Chief Justice and Sri Justice D.H. Nasir on 16th January 1997. The case was posted at Sl.No.17, and as per the practice, an endorsement was made by the Court Officer about the result of the case. The endorsement on the cause list says that the appeal was dismissed, and there was no order passed as to costs. The file was received in the English Records Section on 22nd January 1997, as it was 'no draft' order. Thereafter, the file was sent to Current Section on 30th April 1997 on the ground that it had to be sent to the Court Officers' Section for drafting. The Current Section has returned the record to the English Records Section. The file, thereafter, was oscillating from Current Section to English Records Section number of times, and it was found that even the original order was misplaced. In spite of thorough search, the original order could not be traced. The appellant filed application for supply of copy of the order (C.D. Application No.581 of 1997). It has been pending ever since in the Registry.

Mr. M.Adinarayana Raju, learned counsel appearing for the appellant stated that he along with the Advocate General had appeared and as per his recollection, the

appeal was dismissed in limine by a reasoned order, but he could not recollect the contents of the order dictated in the open Court. These facts, we take on record. Though the name of the counsel for the respondent had appeared, learned counsel for the appellant does not remember as to whether he appeared in the Court or not. None of the Judges who presided over the Bench are available.

In view of the above, in the absence of the original order, we direct that the record be consigned to English Records Section with endorsement that appeal was dismissed on 16th January 1997.

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(DEVINDER GUPTA, C.J.)

29th November 2004.

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(G.ROHINI, J.)

Note: A copy of this order be supplied to the
learned counsel for the appellant.

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To

1. The Executive Officer, Tirumala Tirupati Devasthanams,
Tirupati, Chittoor District.
2. Two CD copies.
3. Two C.Cs to the Advocate General, High Court Bldgs., Hyderabad.
4. One copy to Sri M.Adinarayana Raju, Standing Counsel for TTD,
High Court Bldgs., Hyderabad.

5.The S.O., Court Officers' Section, High Court of A.P., Hyderabad.